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Kang Soo Seo

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HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 8910

RESTON, VA 20195

EXAMINER

DANG, HUNG Q

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 09/24/2008 have been fully considered but they are not persuasive.

Regarding Applicant's arguments and amendments presented in the claim 11, 35 U.S.C §101 rejections are withdrawn based on the best knowledge of the Examiner that the Applicant does not intend to claim the recited "computer-readable medium" as "signal wave" or "carrier signal" or equivalent. If the Applicants believe they intend to include such matters, 35 U.S.C §101 rejections will stand.

At pages 13-15, Applicant argues that Yamane or Kikuchi, either in combination or alone, does not disclose the feature of "prohibiting reproduction path re-change after reproduction path change, based on a buffering condition."

In response, the Examiner respectfully disagrees. As described clearly in the Final Office Action dated 07/09/2008, at least at column 37, lines 3-10 and column 39, lines 47-65, Yamane teaches that reproduction path re-change after reproduction path change, based on a buffering condition, causes problems of seamless reproduction not being achieved and not desirable. Yamane however does not explicitly prohibit the reproduction path re-change if that condition occurs.

Kikuchi et al. disclose prohibiting reproduction path change (based on the availability of the data, instead).

Therefore, one of ordinary skill in the art would recognize that incorporating of "prohibiting reproduction path change" that is disclosed by Kikuchi into Yamane will

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bring about seamless reproduction and eliminate the problem of interruption in reproduction due to such an undesired buffering condition that happens when path re-change is allowed after reproduction path change.

For that reason, the rejections stand as previously presented.

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621